REMARKS

Claims 1-6 and 8-21 are pending in the present application and stand rejected. The Examiner's reconsideration is respectfully requested in view of the following remarks.

Claims 1-4, 6 and 8-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fox (U.S. Patent No. 4,095,739) in view of Wiedemer (U.S. Patent No. 5,047,928), in view of Barritz (EP 0 854 421 A1). The rejection is respectfully traversed.

The Examiner continues to improperly rely Wiedemer, effectively ignoring the Applicants' comments from the Response of October 14, 2004. Wiedemer is completely unrelated to *commonly accessible* computer processing systems. Wiedemer is concerned with only a user's access to an application program on a "pay-per-usage" basis. (Wiedemer, col. 1, lines 9-14). Wiedemer does not disclose using the invention to gain access to the personal computer. Even the title of Wiedemer is "BILLING SYSTEM FOR COMPUTER SOFTWARE." It seems that Wiedemer assumes complete and unrestricted access to a personal computer, which more resembles a user's own "primary computer processing system" (Applicant's specification, p. 11, lines 18-22) than a CA computer. For example, Wiedemer expressly mentions that its billing system can be installed on the user's own personal computer.

> The present invention is summarized in that a billing system for the distribution of personal computer software includes a security module which may be *installed in the personal computer of the user.*

(Wiedemer, col. 2, lines 36-37) (emphasis added).

The Examiner contends that Fig. 1, parts 18 and 20 discloses "the storage device having stored therein an access code for indicating whether an individual is authorized *to temporarily access the CA computer*," as claimed in claim 1. The Examiner seems to

assume that a method and system for accessing to application software *necessarily* implies a method and system for accessing a CA computer:

(1) "Wiedemer discloses a method and system for providing access to an application running on the user computer *and therefore* the system provides access to the computer (Fig. 1)."

(2) "The user has to have the right key to gain access to the data, which runs on the personal computer. As a result, the systems determines whether the individual is authorized to temporarily (charge per-use) access of the CA computer...."

These inferences are incorrect, unsupported, and misinterpret the reference. At best, the argument is an *inherency* argument, which has not been properly established. Access to a *commonly-accessible* computer is unrelated with the "pay-per-usage" arrangement of an *application program*, as the two are mutually exclusive. The Examiner's assumption is proved incorrect with a simple example. A customer at an Internet café or could not use the invention of Wiedemer (carried on an "application diskette 14") without paying the café for access to the commonly-accessible computer. Wiedemer by itself would provide access *only* to the application program -- not the commonly-accessible computer. Thus, "a method and system for providing access to an application running on the user computer" does *not* imply "a method and system for providing an individual temporary access to a *commonly accessible* computer."

The only motivation provided by the Examiner for combining Wiedemer with Fox is the following: "At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to monitor and then billing for the use of applications on

a computer as in Wiedemer in the system of Fox." (Paper no. 20050228, p. 4). This argument has at least two fatal flaws.

First, the reasoning provided by the Examiner for combining Fox and Wiedemer does not make basic, logical sense. Fox is directed to a *security system* limiting access to *personnel*:

> This invention relates to security systems in which access is selectively permitted on the basis of data encoded onto a card which a user inserts into receptacles at remote locations in the system. More specifically, *the invention pertains to a system for limiting access to the programming functions for such a security system, so that only those personnel who insert specially encoded cards are entitled to change the control index listing of the system.* This listing is used to provide data as to those personnel who are entitled to access at specific remote locations at specific times.

(Fox, col. 1, lines 6-16) (emphasis added). It makes absolutely no sense for the invention of Fox to include a monitoring and billing operations as essentially claimed in claim 1. The terminals described in Fox provide only limited functionality, namely, access to the programming functions of the *security system*. The system is intended for personnel only, and not for generic public use. It simply makes no sense to have *public access* to the programming functions of a *security system*.

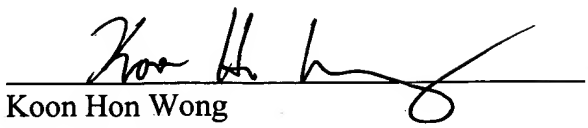
Second, the reasoning provided by the Examiner is based on speculation and unfounded assumptions. The Examiner provides no basis or citations for its assertions. "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art." MPEP §2143.01. Therefore, Applicants respectfully request that citation to the references, or, in the alternative, an Examiner's affidavit, be provided establishing that the Examiner's proposed motivation was truly known at the time the invention was made.

The Examiner provides the following additional motivation for combining Barritz: "One of ordinary skill in the art would have been motivated to [employ the teachings of gathering information to personalize the host computer] because using walk-up computers effectively requires certain configuration settings and user-related information must be established." Again, Applicants respectfully submit that the basic concept of any *security system*, such as the one taught by Fox, is to *limit* public access, rather than to increase public access by having walk-up computers. It makes absolutely no logical sense to offer the public walk-up computers for the purpose of accessing programming functions of what is supposed to be a secured, security system. Increasing public access to the programming functions of a security system effectively renders the security system useless. "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." MPEP §2143.01.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fox, Wiedemer and Barritz, and further in view of the Microsoft Computer Dictionary. Dependent claims 2-6, 8-10, 12-15 and 17-21 are believed to be allowable for at least the reasons given for claims 1, 11, and 16. Withdrawal of the rejection of claims 1-6 and 8-21 under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration is respectfully requested.

Respectfully submitted,

By: 

Koon Hon Wong
Reg. No. 48,459
Attorney for Applicants

F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, NY 11797
Telephone: (516) 692-8888
Facsimile: (516) 692-8889